

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

CHRISTOPHER RAD
Defendant,

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Crim. No. 11-161

MOTION TO SUPPRESS EVIDENCE

COMES NOW, the Defendant in the above styled and numbered cause, through his Attorney of Record, and moves the Court to suppress the following evidence:

1. All tangible evidence seized by law enforcement officers or others in connection with the detention and arrest of the Defendant in this case, or in connection with the investigation of this case.

2. All written and oral statements made by the Defendant to any law enforcement officers or others in connection with this case.

3. Testimony of law enforcement officers or others concerning any actions of the Defendant while under detention or arrest in connection with this case.

4. Testimony of law enforcement officers or others concerning the tangible evidence or statements to which reference was made above.

As grounds for this Motion, Defendant would show this Court as follows:

That any tangible evidence seized in connection with this case was seized without lawful warrant, probable cause or other lawful authority in violation of the

Defendant's rights under the Fourth and Fourteenth Amendments to the United States Constitution, Article I, Section 9 of the Texas Constitution, and Chapters 14 and 38, including Article 38.23, of the Texas Code of Criminal Procedure.

II

That any statements obtained from Defendant were obtained in violation of Defendant's rights under the Fourth, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, Article I, Sections 9, 10, and 19 of the Texas Constitution, and Chapter 14 and Article 38.22, 38.22 § 2, and 38.22 § 3 of the Texas Code of Criminal Procedure.

III

That testimony concerning any actions of the Defendant while he was under arrest or in detention would be a product of violation of the Defendant's rights under the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution, Article I, Sections 9, 10, and 19 of the Texas Constitution, and Chapter 14 and Articles 38.22 and 38.23 of the Texas Code of Criminal Procedure as well as Sec. 26 of the Vienna Convention.

IV

And for such other reasons that may appear on the hearing of this Motion.

WHEREFORE, PREMISES CONSIDERED, it is respectfully requested that this motion to Suppress Evidence be granted.

Respectfully Submitted,

Francis W. Williams Montenegro
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing motion has been forwarded to the Office of the District Attorney this the ____ day of _____ 2012.

Francis W. Williams Montenegro